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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/598,064      | 08/17/2006  | Tony Petrus Van Endert | NL 040140           | 9781             |

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| EXAMINER |
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ORTIZ CRIADO, JORGE L

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| ART UNIT | PAPER NUMBER |
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2627

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10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |  |  |
|------------------------------|--|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/598,064     | <b>Applicant(s)</b><br>VAN ENDERT, TONY PETRUS |  |
|                              | <b>Examiner</b><br>JORGE L. ORTIZ CRIADO | <b>Art Unit</b><br>2627                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaki et al. U.S. Patent No. 6,115,338.

As per claim 1, Masaki et al. discloses recording apparatus for recording data on a record carrier by irradiating said record carrier by a focused radiation beam having a radiation power, said apparatus comprising: means (Fig. 8) for generating said focused radiation beam;

first prediction means (Fig. 7; 160; 170; 168; 180; 166) for predicting a first control parameter indicating a radiation power variation (Fig. 7B; 202) required to compensate for a non-homogeneity of said record carrier, as a function of a recording position;

second prediction means (36; 160; 174; 166) for predicting a second control parameter indicating a temperature-dependency of said radiation power; and power control means (24; Fig. 4) for controlling said radiation power in dependence on said first and second control parameters.

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As per claim 2, Masaki et al. discloses wherein said first prediction means is arranged to predict said control parameter based on a learning mechanism (see Figs. 8-25).

As per claim 3, Masaki et al. discloses wherein said first prediction means comprises a memory means (Fig. 7B; 180) for storing a table of radiation power values as a function of said recording position.

As per claim 4, Masaki et al. discloses wherein said first prediction means comprises approximation means for performing a regression operation based on values obtained from said learning mechanism (see Figures 11, 13, 14, 23).

As per claim 5, Masaki et al. discloses wherein said first prediction means is arranged to use coefficients (Fig. 7B) obtained from said regression operation for predicting said first control parameter.

As per claim 6, Masaki et al. discloses wherein said second prediction means is arranged to calculate said second control parameter based on a measured laser temperature supply from a temperature sensor (36; Fig. 2A) and a predetermined control information (Kmax; Kmin; Fig. 7B 206) indicating a normalized radiation power dependency with respect to a radiation wavelength.

As per claim 9, Masaki et al. discloses wherein said recording apparatus is an optical disc recorder.

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Claim 10 is drawn to the method used in the above claim apparatus and is rejected for the same reasons of anticipation.

Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi EP 1326239.

As per claim 11, Yokoi discloses a record carrier (1) having a recording layer for recording data by irradiating the recording layer by a focused radiation beam having a radiation power, said record carrier comprising a control area storing a control parameter which indicates a required temperature dependency of said radiation power (see [0024]).

As per claim 12, Yokoi discloses wherein said control parameter indicates a normalized laser power dependency with respect to wavelength (see [0024]-[0025]).

As per claim 13, Yokoi discloses wherein said control area comprises a pre-groove of said record carrier (see [0024]; preformatted).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. U.S. Patent No. 6,115,338 in view of Yokoi EP 1326239.

Masaki et al discloses a reading means for reading a predetermined control information (Kmax; Kmin; Fig. 7B 206), but does not disclose that the control information is read from the record carrier.

However, this feature is well known and in evidenced by Yokoi, which discloses a record carrier (1) having a recording layer for recording data by irradiating the recording layer by a focused radiation beam having a radiation power, said record carrier comprising a control area storing such predetermined control information (see [0024]).

It would have been obvious to one of an ordinary skill in the art to provide the control information preformatted in the recording medium, so that the time required to obtain such information is not required at the time of performing power control operation, since the information is provided beforehand, as taught by Yokoi.

#### *Allowable Subject Matter*

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/  
Primary Examiner, Art Unit 2627